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THE ADVERSE-EFFECT POLICY FOR AGRICULTURAL LABOR.

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THE BASIC PHILOSOPHY UNDERLYING THE REGULATION OF FOREIGN WORKER IMPORTATIONS INTO THE UNITED STATES FOR AGRICULTURAL EMPLOYMENT IS THAT EMPLOYMENT OF SUCH WORKERS WILL NOT BE PERMITTED IF IT WILL HAVE AN ADVERSE EFFECT ON DOMESTIC WORKERS. THE "ADVERSE-EFFECT" POLICY HAS BEEN FOLLOWED SINCE THE ENACTMENT OF PUBLIC LAW 78 IN 1951 WHICH GOVERNED THE ENTRY OF MEXICAN NATIONALS INTO ARIZONA AND NEW MEXICO FOR SEASONAL EMPLOYMENT. THE TERM "ADVERSE-EFFECT" HAS NOT BEEN SPECIFICALLY DEFINED. RATHER THE CONCEPT HAS EVOLVED AS POLICIES HAVE DEVELOPED AND ACTIONS HAVE BEEN TAKEN TO COPE WITH SPECIFIC SITUATIONS. THE LEGAL BASES FOR TAKING ADVERSE-EFFECT ACTION AND THE MANNER IN WHICH THE POLICY OF THE DEPARTMENT OF LABOR HAS DEVELOPED ARE DISCUSSED. THE ADVERSE-EFFECT CONCEPT DEVELOPED THROUGH APPLICATIONS IN 1953, 1956, AND 1958 WHEN EMPLOYERS OF MEXICAN NATIONALS HAD TO INCREASE THEIR WAGES TO PREVENT DISCRIMINATION AGAINST DOMESTIC LABOR. IN 1959, SPECIFIC CRITERIA FOR JUDGING ADVERSE-EFFECT WERE ESTABLISHED AND FORMED THE BASIS FOR A WIDESPREAD ADVERSE-EFFECT PROGRAM DURING 1960-61. PUBLIC LAW 78 WAS EXTENDED, WITH INCREASING ADVERSE-EFFECT REGULATIONS, THROUGH DECEMBER 31, 1964. THEREAFTER, FOREIGN WORKERS COULD BE BROUGHT INTO THE COUNTRY FOR TEMPORARY EMPLOYMENT IN AGRICULTURE ONLY IN ACCORDANCE WITH PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT, WHICH CONTINUED ADVERSE-EFFECT REGULATIONS. THIS DOCUMENT APPEARED IN "FARM LABOR DEVELOPMENTS," AUGUST 1966. (WB)

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THE ADVERSE-EFFECT POLICY FOR AGRICULTURAL LABOR

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The basic philosophy underlying the regulation of the importation of foreign workers into the United States for employment in agriculture is that employment of such workers will not be permitted to take place if it will have an adverse effect on domestic workers.

The Regulations of the Secretary of Labor governing applications for foreign workers for temporary agricultural employment in the United States under the Immigration and Nationality Act (Public Law 414 of the 82nd Congress) require agricultural employers requesting a certification of need for foreign labor to make reasonable efforts to obtain domestic workers. Reasonable efforts are defined to include the offering of not less than specified wage rates (ranging from $1.15 to $1.40 an hour, depending upon the State of employment) and other specified terms and conditions of employment. 1/ The Regulations also require a showing that "employment of such (foreign) labor will not adversely affect the wages or working conditions of domestic workers similarly employed." 2/

The principle of withholding certification when the employment of foreign workers would have an adverse effect upon domestic workers has been followed ever since the enactment of Public Law 78, the law governing the entry of Mexican nationals (or braceros) into the United States for temporary seasonal employment from 1951 to 1964. However, the term "adverse effect" has never been specifically defined; rather, this concept has evolved as policies have developed and actions have been taken to cope with specific situations.

Following is a statement of the legal bases for taking adverse-effect action and a discussion of the manner in which the adverse-effect policy of the Department of Labor has developed.

The Immigration and Nationality Act

The entry of foreign nationals into the United States is subject to the provisions of the Immigration and Nationality Act of 1952, as amended (P. L. 414 - 82nd Congress as amended by P.L. 89-236). Section 214 (c) of the Act provides that:

> The question of importing any alien as a nonimmigrant under Section 101(a)(15)(H)...shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer.

1/ Title 20, Code of Federal Regulations 602.10, as amended December 19, 1964.

2/ Title 20, Code of Federal Regulations 602.10(a)(2).

Source: Farm Labor Developments, August 1966.

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Section 101(a)(15)(H) of the Act defines nonimmigrant aliens to include those foreign workers coming temporarily to the United States to perform temporary service or labor. However, before nonimmigrant aliens may be admitted for such purposes, a determination is required that unemployed persons capable of performing the work cannot be found in the United States. In fulfilling his obligation under these provisions of P.L. 414, the Attorney General has designated the Department of Labor as an agency which is consulted to assist him in deciding whether temporary aliens should be admitted. The Immigration and Naturalization Service, the Justice Department agency which administers the Act, requires that an employer seeking to import temporary workers attach to his petition either a certification from the U. S. Employment Service stating that U.S. workers are not available to fill the jobs for which foreign workers have been requested and that Employment Service policies have been observed, or a statement from the U.S. Employment Service advising the employer that the certification cannot be issued and setting forth reasons for denying the certification.

The Regulations of the Department of Labor which implement the Department's responsibilities under this provision of P.L. 414 provide that certification will be made only when it is determined that the employment of foreign labor "will not adversely affect the wages or working conditions of domestic workers similarly employed." The Regulations also provide that employers must be promptly notified when certification is denied and that such notification shall contain a statement of the reasons upon which the refusal to issue a certification is based. 3/

Public Law 78

Between 1951 and 1964, the entry of Mexican nationals into the United States for temporary employment in agriculture was governed by the provisions of Public Law 78 of the 82nd Congress, as amended, and the Migrant Labor Agreement of 1951, as amended, which was negotiated by the governments of the Republic of Mexico and the United States. Section 503(2) of Public Law 78 required the Secretary of Labor, as a condition for permitting the contracting of Mexican nationals, to determine and certify that the employment of Mexican nationals would not "adversely affect the wages and working conditions of domestic agricultural workers similarly employed." Article 9 of the Agreement prohibited the employment of Mexican nationals in any job "where the employment of Mexican workers would adversely affect the wages and working conditions of domestic agricultural workers in the United States."

Early Development of the Adverse-Effect Policy

Action to implement the adverse-effect authority under the Mexican program was taken as early as 1953 when employers seeking to use Mexican nationals for picking cotton in Cochise, Arizona, were required to pay not less than $3.00 per cwt. In 1956 (and again in 1958), the Bureau of Employment Security stated that the payment by users of Mexican nationals of wage rates which were significantly lower than those paid by non-users would

be considered as an indication of adverse effect. Also in 1958, the policy was established that Mexican nationals were to be paid hourly rates of not less than 50 cents an hour or, if paid piece rates, to have average earnings of not less than 50 cents an hour during any bi-weekly payroll period. In implementing the piece rate policy, the Department established the "90-10" rule which provided that at least 90 percent of the Mexican nationals were required to earn not less than the hourly standard, unless the employer could demonstrate that more than 10 percent either did not apply themselves diligently or did not otherwise meet the requirements of the work contract. Otherwise, the employer had to adjust his wage rates to meet the standard or face the possibility of having his foreign workers withdrawn.

In 1959, the Secretary appointed a committee of consultants to advise him on the operations of the Mexican Farm Labor Program. 4/ In a report issued in October 1959, the Consultants made a number of recommendations regarding changes in the program. With respect to the problem of preventing adverse effect, they said:

> "The test of adverse effect on wages and employment should be made more specific. The Secretary should be directed to establish specific criteria for judging adverse effect including but not limited to: (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earnings levels of workers on farms using Mexican labor compared with non-users."

The recommendations of the Consultants were followed by the issuance of two administrative documents which established the policy and procedure for taking adverse-effect action when wage surveys disclosed the existence of user-nonuser differentials in prevailing wage rates. The procedure established by BES required State agencies to provide specific data to guide the Director of BES in determining whether adverse effect existed and, if he so determined, in taking action to remedy the situation.

This standard, plus the application of the "90-10" rule, formed the basis for a widespread adverse-effect program during 1960 and 1961. In this two-year period, 18 adverse-effect actions were taken under the "user-nonuser differential" criterion and 5 under the "90-10" rule. In most instances, these actions required the payment of higher rates for specific

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4/ The Consultants were: Glenn E. Garrett, the Very Reverend Monsignor George E. Higgins, Edward J. Thye, and Dr. Rufus B. von Kleinsmid. William Mirengoff of the Bureau of Employment Security was Executive Secretary.

crop activities in a given area. However, in widespread areas of Texas, minimum contract rates necessary to prevent adverse effect were established for cotton harvesting, and a Statewide determination was issued for the cotton harvest in Arkansas based on the failure of wage rates in 1960 to rise from $2.50 to $3.00 per cwt., as had normally occurred in prior years. In Maricopa and Yuma Counties in Arizona, and in the Imperial Valley and East Riverside areas of California, determinations were issued requiring the payment of piece rates for lettuce harvesting, based on data indicating that the prevailing hourly rates (paid primarily by users of Mexican nationals) were lower than the earnings of domestic workers employed at piece rates by non-users.

Of particular interest was a determination issued in the spring of 1961 which required employers in New Mexico using Mexican nationals as general farm hands, irrigators, and tractor operators to pay not less than the amounts found to be prevailing after a wage survey conducted jointly by the Bureau of Employment Security and the New Mexico Employment Security Commission. This determination was contested by New Mexico farmers who brought suits on various grounds, one of which was that this action was an illegal "fixing" of wages by the Secretary of Labor. 5/ The court ruled that P.L. 78 gave the Secretary wide authority to determine the prevailing rate and that growers were required to accept the determination of the Secretary by the finality provisions of Article 32 of the Migrant Labor Agreement. 6/

This decision was of particular importance because of the timing. It was handed down just prior to the adverse-effect determinations in the spring of 1962 which established wage rates on a Statewide basis which employers were required to pay Mexican nationals as a minimum requirement for obtaining such workers. It gave support in this circumstance to the position taken by the Department that P.L. 78 gave the Secretary wide authority to act as he deemed necessary to prevent adverse effect.

5/ Dona Ana County Farm and Livestock Bureau, et al v. Goldberg, et al, 200 F. Supp. 210 (D.D.C. 1961). See A Federal Court Looks at the Mexican Program by William Haltigan in the May issue of the Employment Security Review (Vol. 29, No. 5, pp. 19-21) for a discussion of the issues involved in the case.

6/ Paragraph (d) of Article 32 of the Migrant Labor Agreement of 1951, as amended, provided that "the employment of any Mexican workers by a member of an association shall constitute acceptance by such member of the obligations provided under the terms and conditions" of the Agreement.

The 1961 Amendments

When Public Law 78 was originally enacted, it had an expiration date of December 31, 1953, but the Act was periodically extended until the Mexican labor program was finally terminated at the end of 1964. In 1961, when Congress was considering extension to December 31, 1963, a strong effort was made to amend the Act to provide additional protections to domestic workers. As summarized by Secretary Goldberg in his testimony before the Agricultural Research and General Legislation Subcommittee of the Senate Committee on Agriculture and Forestry on June 13, 1961, the administration-supported changes in the Act were as follows:

1. The Secretary would have been authorized to limit the number of Mexican nationals to be employed by any one grower to the extent necessary to assure active competition on the part of employers for domestic workers;

2. Growers would have been required to offer conditions of employment to domestic workers comparable to those they were required to provide for Mexican workers;

3. The employment of Mexican workers in other than temporary or seasonal work, or in work involving the operation of power-driven machinery would have been prohibited; and

4. Employers using Mexican workers would have been required to pay wages at least equivalent to the Statewide or national average rate for hourly-paid farm labor (whichever was the lower), subject to the limitation that the maximum increase in any one year would be no greater than 10 cents an hour. 1/

During Congressional consideration of action on the proposed amendments, it was made clear that they were offered, at least in part, to afford the Congress an opportunity to participate in the setting of wage standards designed to avoid adverse effect.

Much of the debate over the administration's proposal to enact a wage standard into law was over the question of whether statutory authority was needed or whether it was already there. Thus the report of the House Committee on Agriculture which accompanied H.R. 2010, the bill to extend P.L. 78 for two years with no amendment, stated:

> "The Department (of Labor) now has this authority, although it would be desirable that it be spelled out

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1/ Commonly known as the "McCarthy Amendment" because of its sponsorship by Senator Eugene McCarthy of Minnesota. S.1945 and 6032 were the bills introduced in the first session of the 87th Congress (1961) embodying the administration proposals listed above.

in more specific statutory form. For example, the Department on occasion has required an increase in wage rates paid Mexican nationals to avoid adverse effect on domestic workers." 8/

Secretary Goldberg in his testimony before the Senate Subcommittee on June 13, 1961, stated:

"We are of the view that we presently have the authority under existing legislation to require this; that the adoption of this (wage) formula by the Department would be a reasonable exercise of the Secretary of Labor's statutory responsibility under Title V of the Agricultural Act of 1949 (Public Law 78) not to make Mexican workers available unless he can certify that their employment will not adversely affect the wages and working conditions of domestic workers similarly employed. We believe that this is a fair and appropriate standard by which to test such adverse effect."

"The simple fact is that whenever the Department of Labor has adopted any measure to give meaning and effect to this statutory requirement, the authority of the Secretary of Labor has been vigorously contested, in and out of Court. In fact, in the most significant cases in which such restraining orders have been issued, even though set aside at a later date, it has been due only to the action of the Mexican government in withholding their nationals that the adverse effect has not been greater. Because we have been subjected to restraining orders and to other litigation that vitiates that authority, we believe that the time has come to remove any doubt as to the validity of the Secretary's actions through a specific legislative standard."

Senator Mansfield, the Majority Leader of the Senate, stated during the debate on the wage amendment:

"If this amendment is not adopted, let there be no future criticism of the Secretary of Labor if he prescribes similar tests administratively. The

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8/ U. S. House of Representatives, Continuation of Mexican Farm Labor Program, (Report No. 274, 87th Congress, 1st Session, 1961, p. 9).

> Secretary of Labor has advised the Congress that he has found clear indications of adverse effect and will feel constrained in carrying out his statutory responsibilities to take steps beyond those already taken."

The extension of P.L. 78 enacted in 1961 did not contain the wage amendment proposed by the administration, although it did include the limitation on the use of Mexican nationals to seasonal temporary jobs and prohibited their employment in the use of mechanical equipment, except in both instances in cases of exceptional hardship. President Kennedy, in signing the extension of P.L. 78 into law, expressed his disappointment with the failure to include the provisions which he believed were necessary to protect domestic farm workers. He stated:

> "The adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and is cumulative in its impact. We cannot afford to disregard it. We do not condone it. Therefore, I sign this bill with the assurance that the Secretary of Labor will, by every means at his disposal, use the authority vested in him under the law to prescribe the standards and to make the determinations essential for the protection of the wages and working conditions of domestic agricultural workers."

> "Present law, however, provides broad authority to regulate the conditions under which Mexican workers are to be employed. In particular, existing law authorizes, and indeed requires, the Secretary of Labor to permit the employment of Mexican workers only when he can determine that their admission will not adversely affect the wages and working conditions of domestic agricultural workers. This comprehensive general authority was not changed by H.R. 2010 and its availability was clearly recognized during the legislative consideration of the bill."

Statewide Adverse Effect Rates

Armed with this recognized legislative authority and the Presidential mandate, a more determined attack was made on the problem of preventing adverse effect. In the spring of 1962, after public hearings, the Secretary issued a determination establishing the lowest rates on a Statewide basis which could be paid by growers employing or seeking to employ Mexican nationals. Rates ranging from 60 cents to $1.00 an hour were established for 24 States in which Mexican nationals had been employed in agricultural jobs during 1961.

Statewide Adverse-Effect Rates, 1962

State	Rate
Arizona	$ .95
Arkansas	.60
California	1.00
Colorado	.90
Georgia	.75
Illinois	1.00
Iowa	1.00
Kansas	1.00
Kentucky	.80
Michigan	1.00
Minnesota	1.00
Montana	1.00
Nebraska	1.00
Nevada	1.00
New Mexico	.75
North Dakota	1.00
Oregon	1.00
South Dakota	1.00
Tennessee	.65
Texas	.70
Utah	1.00
Wisconsin	1.00
Wyoming	1.00

The determinations also provided that piece rates paid to Mexican nationals were to be designed to yield earnings at least equivalent to the prescribed hourly rates, with the further proviso that no Mexican national was to be paid less than the prescribed rate. 9/

The "designed to yield" proviso of the determination proved to be a significant factor in the adverse-effect program during the balance of 1962 and in 1963. In those crop activities compensated on a piece rate basis in

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9/ The authority of the Secretary of Labor to issue Statewide adverse-effect rates was challenged in the U.S. District Court for the District of California, Southern Division, in the case of Limoneira v. Wirtz. In this case it was argued that the setting of adverse-effect rates constituted the fixing of a minimum wage for agriculture and that no such authority had been conferred by the Congress on the Department. The decision of the Court held that while the Secretary's action (in establishing a minimum) might have had the indirect effect of fixing wages, the action was not inconsistent with the intent of Congress and was within the authority conferred upon the Secretary with respect to establishing standards designed to avoid adverse effect.

which earnings of Mexican nationals consistently fell below the applicable adverse-effect rate, individual determinations were issued requiring the payment of higher piece rates which were designed to yield earnings equivalent to the target rate.

Of particular note in this respect was a determination issued on November 4, 1962, for lettuce harvesting in all areas of Arizona, California, Colorado, Kansas, New Mexico, and Texas. The determination provided that Mexican workers hired for lettuce harvest work in these areas were to be paid:

1. Not less than a crew piece rate of 24 cents per carton, or the prevailing piece rate, whichever is the higher, with guaranteed hourly earnings no less than the hourly adverse-effect rate for the State, or

2. An hourly rate not less than the adverse-effect wage rate for the State, or the prevailing hourly rate for lettuce harvest work, whichever is the higher.

Furthermore, all workers, domestic and foreign, were to have the option of choosing whether they were to be employed at piece rates or on an hourly basis. This provision for worker option was, however, subject to an escape clause whereby an individual employer who could demonstrate to the satisfaction of the Department of Labor that the lettuce crop was defective to the extent that special handling was required would have the option of paying piece or hourly rates without regard to the worker option.

The Regulations of the Department have always required employers seeking foreign nationals for temporary employment in U.S. agriculture to make reasonable efforts to attract domestic workers by offering wage rates, hours of work, and working conditions comparable to those offered to the foreign workers. In May 1962, it was made clear that employers would be expected to offer domestic workers not less than the minimum adverse-effect rates set forth in the Secretary's determinations of March 29 and April 16, 1962. In addition, when the wage rates of Mexican nationals were increased as a result of a prevailing-wage determination, then domestic workers employed by users of foreign labor were also to receive such increases. Finally, the adverse-effect standards applicable to the recruitment of Mexican nationals under P.L. 78 were made applicable to the recruitment of foreign agricultural workers from any country pursuant to Section 214 of the Immigration and Nationality Act (P.L. 414).

The determinations issued in the spring of 1962 were applicable only to the States in which Mexican nationals had been employed in agricultural activities in 1961. However, other foreign workers - British West Indians, Bahamians and Canadians - were employed in seasonal agricultural activities in States other than those covered by the 1962 determinations, principally along the East Coast. In July 1963, again after public hearings,

adverse-effect determinations were issued specifying the minimum contract rates applicable to the recruitment and employment of foreign workers in 11 East Coast States. Rates of $1.00 an hour were specified for all but 3 of these States.

State	Rate
Connecticut	$1.00
Florida	.95
Maine	1.00
Massachusetts	1.00
New Hampshire	1.00
New Jersey	1.00
New York	1.00
Rhode Island	1.00
Vermont	1.00
Virginia	.75
West Virginia	.80

In Florida, the determination, which required a minimum rate of 95 cents an hour, was suspended on October 3, 1963, in response to employer requests for reconsideration because of additional information. Subsequently, after another public hearing, the Secretary issued a determination on April 1, 1964, reinstating the adverse-effect rate, effective April 15, 1964.

Applications for Permanent Entry

Under the provisions of P.L. 414, aliens seeking visas for permanent entry into the United States (i.e., immigrants) for the purpose of performing skilled or unskilled labor are admissible only if the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that there are not sufficient workers in the United States who are able, willing, qualified, and available and that the employment of such aliens will not adversely affect the wages and working conditions of domestic workers similarly employed. 10/ In October 1963, the standards for processing applications of Mexican nationals for permanent entry to work on farms were revised to include the adverse-effect standards then applicable to foreign nationals seeking temporary employment in agriculture.

10/ Section 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by P.L. 89-236. Prior to the 1965 amendment of the Act, the language in Section 212(a)(14) provided that foreign workers were excludable if the Secretary of Labor has determined and certified that there were sufficient workers in the United States or that the admission of the foreign workers would adversely affect the wages and working conditions of domestic workers.

Termination of the Bracero Program

Public Law 78 expired on December 31, 1964. Thereafter, foreign workers could be brought into the United States for temporary employment in agriculture only in accordance with the provisions of the Immigration and Nationality Act. On December 19, 1964, after public hearings, the Secretary of Labor amended the Regulations governing applications by employers for such workers. The amended Regulations provided that before certification of need for foreign workers would be made by the Regional Offices of the Bureau, it would be necessary for employers to show that they had made and would continue to make reasonable efforts (as specified in the Regulations) to recruit domestic workers and that employment of foreign workers would not adversely affect the wages and working conditions of domestic workers. In addition, effective April 1, 1965, employers seeking to employ foreign workers were required to offer and pay domestic workers not less than the rates specified in the Regulations, ranging from $1.15 to $1.40 an hour.

State	Rate 11/	State	Rate 11/
Arizona	$1.25	New Hampshire	$1.30
Arkansas	1.15	New Jersey	1.30
California	1.40	New Mexico	1.15
Colorado	1.30	New York	1.30
Connecticut	1.40	Oregon	1.30
Florida	1.15	Rhode Island	1.30
Indiana	1.25	South Dakota	1.40
Kansas	1.40	Texas	1.15
Maine	1.25	Utah	1.40
Massachusetts	1.30	Vermont	1.30
Michigan	1.25	Virginia	1.15
Minnesota	1.40	West Virginia	1.15
Montana	1.40	Wisconsin	1.30
Nebraska	1.40	Wyoming	1.25

11/ The above rates were effective April 1, 1965. For the following States the rates listed below were in effect between January 1 and April 1, 1965:

State	Wage Rate
Arizona	$1.05
California	1.25
Connecticut	1.25
Florida	.95
Massachusetts	1.25
New Mexico	.90
Texas	.90

Employers were also required to offer all of the terms and conditions of employment formerly offered to Mexican nationals under the Migrant Labor Agreement of 1951, including a written contract embodying those conditions; to provide family housing where feasible and necessary; and to pay the reasonable costs of transportation to and from the place of employment.

The amended Regulations also continued the requirement that piece rates must be designed to yield earnings at least equivalent to the prescribed hourly rates as well as the proviso that in no event was the worker to be paid less than the prescribed hourly rates.

Two modifications were made in the adverse-effect rates during 1965. On February 5, the Secretary announced a $1.50-an-hour adverse-effect rate for off-ground work in California dates. This was 10 cents higher than the rate established for California by the September 19, 1965 determination. Growers first attempted positive recruitment, without offering the higher rate, but on March 19 agreed to meet the Secretary's criteria.

On September 21, the Secretary accepted a grower proposal to suspend the $1.15 adverse-effect rate for Florida for the 1965-66 citrus harvest (retroactive to September 1) on condition that employers pay piece rates which were higher than those paid in previous years. These rates were to be designed to yield earnings of at least $1.50 an hour, on the average, to all workers employed by the same employer during a payroll period. Should earnings fall below this target, makeup was to be paid proportionately in sufficient amounts to raise average earnings to the $1.50 level. The employers also agreed to provide free transportation to domestic workers, to improve housing facilities, particularly for family groups, and to eliminate charges for the use of equipment. Lastly, the employers undertook an extensive recruitment effort in widespread areas of the South.

The overall results of this program were highly satisfactory. The entire citrus crop - estimated at about 140 million boxes - was accomplished virtually without the use of foreign workers. The 665 British West Indians who were used for a brief period in the winter were required only because of freeze damage to the crop which necessitated a stripping operation and a larger work force than was immediately available from domestic sources. At the peak of the harvest, approximately 20,000 domestic workers were employed.

Although the agreement established a target of $1.50 an hour, the employers actually established rates which were designed to yield earnings far in excess of that level. For the entire season, the average worker earned about $2.08 an hour. Total earnings of domestic workers in the 1965-66 citrus harvest were about $9.2 million. Only one employer found it necessary to pay makeup to bring his workers' earnings up to the $1.50-an-hour target and this was necessary in only one payroll period.